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P O BOX 980				
VALLEY FORGE, PA 19482-0980				
EXAMINER				
LE, LINH GIANG				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/797,354

**Applicant(s)**

MOLL ET AL.

**Examiner**

MICHELLE LE

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

*Notice to Applicant*

1. This communication is in response to Amendment filed 11 April 2008.

Claims 1-20 have been amended. Claims 1-20 remain pending

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogard (6,284,131) in view of Ford (6,269,340) in further view of Fujimoto (5,339,821).

4. As per claim 1, Hogard teaches a dialysis station implementing a course of treatment for a patient as instructed by a medical personnel and executed by a person (Hogard; Abstract), the dialysis station comprising:

at least one patient place having a dialyzer (Hogard; Abstract), a video terminal (Hogard; Fig. 7) and a central server including a data base (Hogard; Col. 12, lines 8-36).

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Hogard does not expressly teach:

at least one physician place equipped with a video terminal,

said video terminals of the at least one patient place and the at least one physician place and the server being interlinked with each other and configured such that information on the course of the treatment at a selected patient place is callable and instructions for a selected patient place are adapted to be input.

However this is well known in the art as evidenced by Ford. In particular Ford teaches a storage medium containing a drug library with each pump being associated with a set of associated drug delivery information (Ford; Col. 4, lines 52-67). It would have been obvious to add this feature to Hogard with the motivation of having an electronically customizable drug library which allowing for the dissemination, training and execution of customary drug infusion practices in critical areas of the hospital (Ford; Col. 2, lines 55-65).

Hogard also does not expressly teach an ID input device inputting an identification and wherein the system is configured such that information on the execution of an instruction can be input at the patient place and the execution of an instruction is acknowledged by the executing person acknowledging his or her identity at the ID input device. However, this is well known in the art as evidenced by Ford. In particular, Ford teaches a computer interface program is only accessible by persons who have been assigned a password (Ford; Col. 18, lines 60-68). It would have been obvious to add this feature to Hogard with the

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motivation of preventing unauthorized use and to prevent loading of unapproved configurations (Ford; Col. 18, lines 60-65).

5. As per claim 2, Hogard does not expressly teach information on occurrences can be input at the patient place, and an acknowledgment of the input is affected in that the executing person acknowledges his or her identity in the ID input device. However, this is well known in the art as evidenced by Ford. In particular, Ford teaches a computer interface program is only accessible by persons who have been assigned a password (Ford; Col. 18, lines 60-68). It would have been obvious to add this feature to Hogard with the motivation of preventing unauthorized use and to prevent loading of unapproved configurations (Ford; Col. 18, lines 60-65).

6. As per claim 3, Hogard does not expressly teach wherein a patient code can be input which allocates the patient place to a patient. However, this is well known in the art as evidenced by Ford. In particular, Ford teaches a computer interface program is only accessible by persons who have been assigned a password (Ford; Col. 18, lines 60-68). It would have been obvious to add this feature to Hogard with the motivation of preventing unauthorized use and to prevent loading of unapproved configurations (Ford; Col. 18, lines 60-65).

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7. As per claim 4, Hogard teaches wherein the video terminal of the patient place is configured as a user interface for setting and changing parameters of the dialyzer (Hogard; Col. 8, line 60 to Col. 9, line 10). Hogard does not expressly teach the setting and change are stored along with the identity of the executing person. However, this is well known in the art as evidenced by Ford. In particular, Ford teaches a computer interface program is only accessible by persons who have been assigned a password (Ford; Col. 18, lines 60-68). It would have been obvious to add this feature to Hogard with the motivation of preventing unauthorized use and to prevent loading of unapproved configurations (Ford; Col. 18, lines 60-65).

8. As per claims 5 and 6, Hogard does not expressly teach:

wherein the video terminals of the at least one patient places and the physician place are connected in an internal communication network;

wherein the internal communication network is connected with an external communication network to which a video terminal of an external physician place is connected.

However, this is well known in the art as evidenced by Fujimoto. In particular, Fujimoto teaches a home medical system including a medical institution side communication apparatus or link and a telecommunication line (Fujimoto; Col. 2, line 40-50). It would have been obvious to add these features

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to Hogard with the motivation of having a home medical system that can undergo a check or inquiry a medical specialist at a medical institution (Fujimoto; Col. 1, line 65 to Col. 2, line 5).

9. As per claim 7, Hogard does not expressly teach wherein a symbol for calling an instruction input at the physician place can be illustrated on the video terminal of the at least one patient place. However, this is well known in the art as evidenced by Fujimoto. In particular, Fujimoto teaches a home medical system including a medical institution side communication apparatus or link and a telecommunication line (Fujimoto; Col. 2, line 40-50). It would have been obvious to add these features to Hogard with the motivation of having a home medical system that can undergo a check or inquiry a medical specialist at a medical institution (Fujimoto; Col. 1, line 65 to Col. 2, line 5).

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10. As per claim 8, Hogard teaches wherein a patient data file stored in the server includes indications on the dialyzer determined for a patient as well as on the settings and operational parameters thereof, and the video terminal of the at least one patient place receives the settings and operational parameters from the server and sets them at the dialyzer (Hogard; Col. 11, lines 14-45; Col. 12, lines 8-64).

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11. As per claim 9, Hogard teaches wherein the input device consists of a data reader reading information on the patient the operator, or both from a data carrier (Hogard; Col. 11, lines 14-45; Col. 12, lines 8-64).

12. As per claim 10, Hogard teaches wherein each video terminal comprises a screen with a keyboard and a computer connected with a control portion of the dialyzer (Hogard; Col. 11, lines 14-45; Col. 12, lines 8-64).

13. Claims 11-20 repeat limitations recited in claims 1-10 and the reasons for rejection are incorporated herein.

### ***Response to Arguments***

14. Applicant's arguments filed 11 April 2008 have been fully considered but they are not persuasive. Furthermore Applicant's amendments necessitated the new grounds of rejection.

15. Applicant argues that Fujimoto fails to teach the transmission or availability of a course of treatment (Response; pg. 8). Examiner has now applied the Ford reference in light of Applicant's amendments. Ford teaches a drug pump with an electronically programmed drug library to disseminate specific



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amounts of a drug. Examiner submits this reads up on a callable "course of treatment."

16. Applicant further argues that Fujimoto fails to teach the general teaching of inputting information into the medical apparatus (Response; pg. 8). Examiner has now applied the Ford reference for the teaching of inputting an ID number or password in order to authenticate a person's identification.

### ***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Linh-Giang Le whose telephone number is 571-272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on 571-272-3600. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michelle Linh-Giang Le/  
Examiner, Art Unit 3626  
LLe

/Robert Morgan/  
Primary Examiner, Art Unit 3626